

Drug ETOH sentencing Guidelines DRAFT 7/20/15

	Alcohol in Public	MIP ¹	Intox ²	POCS/PODP Marijuana	POCS other	PODP other
Fine	Fine schedule	Fine schedule ³	Fine schedule	Fine Schedule	Fine schedule	Fine schedule
Other Conseq	None	⁴ Low: None Med: S/A High S/A	Low: S/A Med: S/A High S/A	Low: None Med: S/A High S/A	Low: None Med: S/A High S/A	Low: Screen Med: S/A High S/A
Jail	None	Low: None Med: None High 0-30	Low: None Med: None High 0-30	Low: None Med: None High 0-30	Low: None Med: None High 0-30	Low: None Med: 0-30 High 0-60
Probation ⁵	None	Low: None Med: Court High Super	Low: None Med: Court High Super	Low: None Med: Court High Super	Low: None Med: Court High Super	Low: None Med: Super High Super

¹ without other charges, such as intox, or interfering.

² or MIP with charges described in footnote 1.

³ The sentencing Commission recommends the court impose the recommended fine for the most serious offense convicted. If the court believes further financial sanctions are required for multiple offenses, the Commission recommends at most 10% of the standard fine for each subsequent charge. This reflects two factors. First the uniform fine schedule is silent as to whether fines should be cumulative; and second, defendants who appear at arraignment are more likely to suffer a hardship than those who seek to negotiate at a pre-trial disposition. Courts may also consider giving credits against the fine for other costs associated with probation such as t/x costs, U/A costs etc.

⁴ Offender Risk Level. Or in this context S/A needs assessment. For first time offenders where the court cannot or will not get an assessment before sentencing, default to low.

⁵ Where the only term of a sentence is a fine, the sentencing Commission believes that probation would be inappropriate. Sufficient avenues exist to collect criminal accounts receivable (OSDC). Threat of Jail should not be used to coerce collection of a criminal accounts receivable. Further, new offenses will be sanctioned by the court handling those charges. Sentencing Commission will recommend Legislature remove criminal accounts receivable from probation terms under 77-18-1, with the exception of court ordered restitution.